

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT ALBERT,

Plaintiff,

v.

LABORATORY CORPORATION OF
AMERICA,

Defendant.

Case No. C19-510 RAJ

ORDER

Having reviewed the Report and Recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation.
- (2) Defendant's motion for summary judgment (Dkt. # 110) is DENIED.
- (3) Plaintiff's motion for partial summary judgment (Dkt. # 106) is DENIED in part and GRANTED in part. Defendant's counterclaims are DISMISSED. Defendant's affirmative defenses for failure to state a claim, statute of limitations, reasonable care, and unclean hands are DISMISSED.

1 The Clerk is directed to send copies of this Order to the parties and to Judge
2 Peterson.

3 Dated this 28th day of October, 2021.
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6 A handwritten signature in black ink, reading "Richard A. Jones", is written over a horizontal line.

7 The Honorable Richard A. Jones
8 United States District Judge
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